

RECEIVED
CENTRAL FAX CENTER

MAR 20 2008

REMARKS

The Office Action mailed November 20, 2007 has been received and reviewed. Claims 1, 3-10, 12-19, and 21-27 are in the case. Claim 19 is objected to for a typographical error. Claims 1, 3-10, 12-19, and 21-27 stand rejected under 35 U.S.C. § 103(a).

By this paper, claim 1 has been amended, claims 10, 12-19, and 21-27 have been canceled, and claims 28-31 have been added. For the reasons set forth below, claims 1, 3-9, and 28-31 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks is, therefore, respectfully requested.

Objection of Claim 19

Claim 19 stand objected to for a typographical error. By this paper, claim 19 has been canceled. Reconsideration is, therefore, respectfully requested.

Rejection of Claims 1, 3-10, and 12-18 Under 35 U.S.C. §103(a)

Claims 1, 3-10, and 12-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura in view of Applicant's Admitted Prior Art (AAPA). However, by this paper, claims 10 and 12-18 have been canceled. Moreover, with respect to claims 1 and 3-9 (as well as newly added claims 28-31) to establish a *prima facie* case of obviousness, the Office Action must provide clear articulation of the reason(s) why the claimed invention would have been obvious. See MPEP 2143. The combination of Nakamura and AAPA does not meet this test.

First, it is improper to combine references where the references teach away from their combination. See MPEP §2145(X)(D)(2). In the present case, Nakamura teaches away from the use of switches, routers, and hubs. Switches, routers, and hubs were all known, understood, and in widespread use at the time the invention of Nakamura was developed (*circa* 1999). Yet despite that fact, Nakamura rejected their use, adopting instead a bus network of several “outlets 101” connected by “1394 cable.” See Nakamura at col. 4, lns. 24-32 and Figure 1. The outlets 101 conform to the “IEEE 1394-1995 standard” and are configured to store a “room index” that “is written in advance when the outlet is installed” and “never changed.” See Nakamura at col. 4, lns. 25-27 and col.17, lns. 62-65. Thus, Nakamura teaches against the combination advocated by the Office Action.

Second, even if it were obvious to include a switch, router, or hub within the bus network of Nakamura (which it is not, as demonstrated above), Applicant respectfully asserts that Nakamura teaches against tables. Nakamura teaches one element, string, piece, or value stored in one register, the significance of which must be known to a user. The other devices in the network do not deal with multiple sets of ordered pairs required to have a table.

Applicant respectfully asserts that Nakamura teaches against devices that could be queried for selected connection table information, as required by Applicant’s claims. Applicant

does not even find in Nakamura any mention of connection table information.¹ Accordingly, Applicant asserts that the Office Action's rejection is based on impermissible hindsight. As stated within the MPEP, "[t]he tendency to resort to 'hindsight' based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art." See MPEP §2142. In the present case, the facts gleaned from Nakamura are insufficient to render Applicant's invention obvious.

Third, Applicant finds no teaching or suggestion within Nakamura of any switch, router, or hub storing and automatically updating a connection table mapping ports thereof to nodes connected thereto, as required by Applicant's newly amended claims. As set forth hereinabove, the "room index" stored within each of Nakamura's outlets 101 is a single piece of data, not a table. Moreover, that single piece of data requires human intervention, "is written in advance when the outlet is installed," and is "never changed." See Nakamura at col.17, lns. 62-65. Thus, it is not, and cannot be, automatically updated as required by Applicant's newly amended claims. Moreover, the correlation table in Figure 31 of Nakamura does not qualify as a connection table as recited by Applicant's newly amended claims. It does not map ports of a switch, router, or hub to nodes connected to that switch, router, or hub.

¹ Contrary to the assertions of the Office Action, the "room index" of Nakamura is not a connection table. A room index is simply "position info" written to a single, particular, memory location. See Nakamura at col. 17, lns. 62-63. According, a room index as taught by Nakamura is a single piece of data, not a table identifying the binding correspondence at issue. That is why Nakamura's system simply "reads" the room index and no look-up or query process is disclosed, taught, or possible. See Nakamura at col. 18, lns. 25-38.

MAR 20 2008

In view of the foregoing, Applicant asserts that the rejection of claims 1, 3-10, and 12-18 is improper and should be withdrawn. Reconsideration is respectfully requested.

Rejection of Claims 19 and 21-27 Under 35 U.S.C. §103(a)

Claims 19 and 21-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura. However, by this paper, claims 19 and 21-27 have been canceled. Reconsideration is, therefore, respectfully requested.

In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 20th day of March, 2008.

Respectfully submitted,



A. John Pate
Reg. No. 36,234
Attorney for Applicant

Date: March 20, 2008

PATE PIERCE & BAIRD
175 South Main Street, Suite 1250
Salt Lake City, Utah 84111
Telephone: (801) 530-0330
Facsimile: (801) 530-5955

2983-2-1 PAT-FIL-ROA2.wpd